

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00203

KASEEM JAMAL CLARK

**MEMORANDUM OPINION AND JUDGMENT ORDER**

On November 1, 2010, pursuant to the Fair Sentencing Act of 2010, the United States Sentencing Guidelines were amended resulting in reductions in the guidelines in Section 2D1.1 for cocaine base. These temporary, emergency amendments to the Guidelines took effect on November 1, 2010. Permanent amendments implementing the Act were promulgated on April 6, 2011, with an effective date of November 1, 2011. Subsequently, the Sentencing Commission voted to give retroactive effect to the permanent amendments. Pursuant to a Standing Order entered on October 7, 2011, this case was designated for Expedited consideration.

The Court has received and considered the original Presentence Investigation Report (PSI), plea agreement, original Judgment and Commitment Order and Statement of Reasons, and

addendum to the PSI from the Probation Office and received any materials submitted by the parties on this issue. The Court has also considered the applicable factors under 18 U.S.C. § 3553(a), consistent with § 3582(c)(2), and public safety.

By its written and filed response, the United States does not object to the reduction ordered herein.

Based on the foregoing considerations, the court, sua sponte, hereby Orders that defendant's previously imposed sentence of imprisonment of 72 months is reduced to 60 months, with credit for time served to date, based on the court's determination of the guideline range as set forth below.

**COURT DETERMINATION OF GUIDELINE RANGE:**

Previous Offense Level: 25  
Criminal History Category: III  
Previous Guideline Range: 70 to 87  
months

Amended Offense Level: 23  
Criminal History Category: III  
Amended Guideline Range: 57 to 71\*  
months

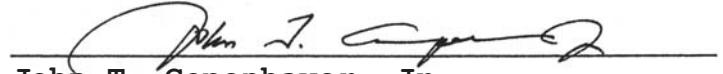
\*The defendant is subject to a  
five-year mandatory minimum.

This Order is subject to the prohibition contained within U.S.S.G. §1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated June 17, 2008, shall remain in effect.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: November 1, 2011

  
John T. Copenhaver, Jr.  
United States District Judge